

REMARKS

Favorable reconsideration of the above-identified application is requested in view of the amendments made herein and the following remarks.

Claims 1-36 are pending, with Claims 1, 14, 24 and 27 being independent. The Examiner is thanked for indicating that Claims 7, 8, 20, 21, 33 and 34 contain allowable subject matter.

Claims 1-3, 9, 11-14-16, 22-29 and 35 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Bates et al.* (U.S. Patent No. 6,809,741), hereinafter *Bates*. Claims 4, 6, 10, 17, 19, 30, 32 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Honda* (Translation of Japanese Patent No. 09-025285A), hereinafter *Honda*. Claims 5, 18 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Honda* and further in view of *Fujimoto et al.* (U.S. Patent No. 5,930,385), hereinafter *Fujimoto*. Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Adegeest* (U.S. Patent No. 5,872,572), hereinafter *Adegeest*.

As currently amended, independent Claim 1 now recites, in combination with other claimed features, means for grouping all the colors in the first image data into groups of approximately equal colors and comparing each of the first image data groups of colors to all the colors of the second image data and for specifying a uniform adjusting color, that makes the first image data recognizable against all colors of the second image data that serve as the first image data's background.

Bates does not disclose that colors of the foreground, *i.e.*, first image data, are grouped into groups of approximately equal colors and each of the groups of

colors is compared to all the background colors, *i.e.*, second image data, as recited in present Claim 1.

Figure 3 in *Bates* is a flow chart illustrating an image correction method 300. The method 300 starts when a background object is selected in step 305. In step 307, the background object's color is determined. In step 320 the color of the text corresponding to the foreground object is determined. Column 12, lines 35-36 state that "The color of text objects is primarily determined by accessing the HTML file of the web page, as is well known in the art." For example, "In step 320 of FIG. 3, the color contrast adjuster access the HTML file for web page 125 and determines that text 245 is black." In step 325 the color contrast adjuster determines if there is a color contrast problem, *e.g.*, yellow on green, between the background object and the foreground object by searching through the saved color combinations or the users list of color combinations. In step 335, if a problematic color match is found, the color contrast adjuster selects a preferred color combination that corresponds to the problematic color combination. As indicated in Figures 3 and 4 and column 21, lines 10 – 22, the process is repeated for each of the top N background colors.

In the context of *Bates*, a skilled person would have understood it to disclose determination of the foreground color of a foreground, *e.g.*, text (column 12, lines 35-36) and comparison of the text color to the colors of the background. Therefore, a skilled person in the art would not have understood *Bates* to disclose the claimed features relating to grouping foreground colors, in combination with the other claimed features, in the context of the present application. For at least that reason, Claim 1 is not anticipated by *Bates* and the rejection should be withdrawn.

The rejections of Claims 14, 24 and 27 should be withdrawn for similar reasons with regard to similar claim language.

The dependent claims are rejected either over *Bates*, or over *Bates* in view of various secondary references. None of the rejections of the dependent claims remedy the deficiencies of the rejections of the independent claims, and the dependent claims should be allowable at least by virtue of their dependence from allowable independent claims.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference would be helpful in resolving any remaining issues pertaining to this application, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

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